

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE COOK MEDICAL, INC. IVC FILTERS
MARKETING, SALES PRACTICES, AND
PRODUCT LIABILITY LITIGATION

APPROVED. Cases are
dismissed without
prejudice.
Dated: 8/23/2021


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Case No: 1:14-md-2570-RLY-TAB
MDL No. 2570

This Document Relates to:

Alford, John and Virginia, 1:14-cv-01870
Avery-Montgomery, Donna and Gary, 1:14-cv-01871
Dawsey, David, 1:16-cv-02271
Rico, Cynthia Kay, 1:17-cv-00153
Peacock, Robin, 1:17-cv-00159
Smith, Lisa, 1:17-cv-03863
Vidales, Jose R., 1:18-cv-02539
Miller, Richard L., 1:19-cv-03102
Palmer, Kenneth, 1:19-cv-03103
Sheffield, Ayanna, 1:19-cv-03873
Fuller, Curtis, 1:19-cv-04626
McGeachy, Shawn and Todd, 1:19-cv-04868
Tolliver-Jarrett, Sarita, 1:19-cv-04924
Moore, Aundrey Bernard, 1:20-cv-00145
Moses, Livinia, 1:20-cv-00147
Scott, Amber Nicole, 1:20-cv-00388
Jackson, Dawan, 1:20-cv-00483
Rapp, Paul and Marvinteen, 1:20-cv-00705
Muraviov, Norma and John, 1:20-cv-00715
Rich, Barbara and James, 1:20-cv-00770
Montgomery, Ryan Lane, 1:20-cv-00789
Thomas, Randall Larry and Joann, 1:20-cv-00790
Stieber, Nina R. and Gregory, 1:20-cv-00798
Handy, Jessica, 1:20-cv-00799
Smalley, Earl S. Jr. [ESTATE OF], 1:20-cv-00822
Wheeler, Walter, 1:20-cv-00845
Woodard, Eric and Mary Ann, 1:20-cv-00909
Andress, Gary Lynn, 1:20-cv-00974
Gordon, Tommy, 1:20-cv-01019
Inae, Jeannie and Oxenham, Gary, 1:20-cv-01067
Pereira, Nelys, 1:20-cv-01168
Copeland, Terry R., 1:20-cv-01328
Price, James R., 1:20-cv-01425
Olivier, Lucia and Joseph, 1:20-cv-01934

Clarke, Virginia [ESTATE OF], 1:20-cv-02509
Tabor, Irene, 1:20-cv-02511
Lovaas, Connie, 1:20-cv-02515
Gibson, Sylvia and William Lee, 1:20-cv-02516
Gordon, Pauline, 1:20-cv-02517
Harrison, Brian, 1:20-cv-02518
Camberos, Martha and Rojano, Juan, 1:20-cv-02530
Grabowski, Steven and Valeria, 1:20-cv-02534
Miller, Roger Jr., 1:20-cv-02574

STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Above-titled Plaintiffs and the defendants, Cook Incorporated, Cook Medical, LLC, and William Cook Europe ApS, hereby stipulate and agree that the above-captioned cases are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with each party to bear its own costs. The parties further stipulate that:

1. A Plaintiff listed above may refile his or her case in the Southern District of Indiana, in the event a Legally Cognizable Injury occurs within three-years from the date of this Stipulation.
2. For purposes of this Stipulation, “Legally Cognizable Injury” is exclusively defined as:
 - a. an open surgical procedure to remove a Cook IVC Filter;¹
 - b. fracture of a Cook IVC Filter with a piece or pieces of the Cook IVC Filter remaining in the body after one or more percutaneous retrieval attempts have failed to retrieve the filter; or
 - c. death related to a Cook IVC Filter.²

¹ “Open procedure” means a surgery using medical instruments to open the patient’s body to remove all or part of the Cook IVC Filter after either (1) one or more percutaneous retrieval attempts have failed to retrieve the filter, or (2) a determination by Plaintiff’s treating physician, who is not retained, compensated or directed by Plaintiff’s Counsel, that attempting a percutaneous retrieval of the filter is not feasible. For the purpose of this definition, a percutaneous retrieval procedure is not a “surgery.”

² “Death” means that a patient died as a result of the Cook IVC Filter. A contemporaneous medical record, autopsy report and/or death certificate created by a treating physician or pathologist, who is not retained, compensated or directed by Plaintiff’s Counsel, reasonably interpreted as confirming that the patient’s death was caused by or related to the Cook IVC Filter shall be required for “death” to qualify as a Legally Cognizable Injury pursuant to this Stipulation.

3. If a Plaintiff listed above refiles his or her case in any jurisdiction other than the Southern District of Indiana, this dismissal will automatically convert to a dismissal with prejudice.

By: /s/ Michael T. Gallagher

Michael T. Gallagher
THE GALLAGHER LAW FIRM, PLLC
2905 Sackett Street
Houston, TX 77098
(713) 222-8080
Fax: (713) 222-0066
Email: donnaf@gld-law.com

Counsel for Plaintiffs

Dated: August 20, 2021

By: /s/ Andrea Roberts Pierson

Andrea Roberts Pierson
FAEGRE DRINKER BIDDLE & REATH LLP
300 North Meridian, Suite 2500
Indianapolis, IN 46204
Tel: (317) 237-0300
Fax: 317-237-1000
Andrea.Pierson@FaegreDrinker.com

*Counsel for Defendants Cook Incorporated,
Cook Medical LLC, and William Cook Europe
APS*

Dated: August 20, 2021